

By BALL.]

[HOUSE FILE No. 338.—JUDICIARY.]

A BILL

FOR AN ACT TO REPEAL SECTION 2740 OF THE CODE OF 1873 AND ENACT A
SUBSTITUTE THEREFOR REGARDING THE MANNER OF TRIAL OF ISSUES.

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. That section 2740 of the Code of 1873 is hereby repealed and the following
2 enacted in lieu thereof :

3 Sec. 2740. Issues of fact in an ordinary proceeding must be tried by jury unless the
4 same is waived, and in all cases tried to a jury in which the question of negligence or
5 contributory negligence is put in issue by the pleadings the court must submit such
6 question of negligence or contributory negligence to the jury upon written instructions,
7 unless by consent of both parties to the action such submission be waived.